

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LUIS RIVERA,)
Petitioner;)
)
v.)
)
David Nolan,)
Respondent;)
)

Civil Action No. 1:04 -cv-12717-RGS

NOTICE THAT PETITIONER HAS NOT BEEN SERVED
WITH MEMORANDUM IN OPPOSITION TO PETITIONER'S
TRAVERSE (re; P.#38).

Now comes, Luis Rivera, petitioner in pro-se ("Rivera") and provides notice and advisement that Rivera, has not been served with true copies of the Respondent's "Memorandum in Opposition (re 38 Motion) / Leave to File" identified as P.# 40. Docket entries allege that attachments were included therein. Petitioner objects as follows:

1. Rivera contends that Federal Rules of Civil Procedure require service and certificate thereof contemporaneous with filing with the court.
2. That Rivera has not to date received a copy of the above styled opposition to re 38.

Wherefore, Rivera notifies the respondent and the court of his objection to the failure to serve for the record. Rivera further moves this court for an order compelling the respondent to serve the petitioner with a true copy of the filing, unless the respondent concedes error and responds without compulsion.

Dated: August 11, 2008

Respectfully:

Luis P. Rivera

Luis Rivera, pro-se
P.O. Box 43
Norfolk, MA 02056-0043

CERTIFICATE OF SERVICE

I, Luis Rivera, do hereby certify that I caused to be served upon Maura D. McLaughlin, Assistant Attorney General, at One Ashburton Place, 18th. Floor, Boston, MA 02108 by manner of U.S. Mail postage prepaid on this 12th. day of August, 2008


Luis Rivera,